Feb 1, 2010

Ms. Marlene H. Dortch. Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Written Ex Parte Presentation in IB Docket No. 95-91, WT Docket No. 07-293, and GN Docket Nos. 09-47, 09-51, and 09-137

Dear Ms. Dortch:

SIRIUS Satellite Radio is extremely popular with Land Rover customers, and the majority of our new U.S. vehicles are equipped with a SIRIUS.

As the FCC moves ahead in crafting its National Broadband Plan, we understand the importance of identifying additional spectrum to help satisfy the country's broadband needs. However, the FCC should not try to meet that need by changing rules for the 2.3 GHz Wireless Communications Service ("WCS") to allow mobile transmissions in that band. Operating on frequencies immediately adjacent to millions of satellite radios, WCS transmissions would create a significant potential risk of interference to in-vehicle reception.

The WCS band can play a significant role today in broadband development without even any changes to the WCS rules. Whether through broadband backhaul, downstream mobile reception, or fixed broadband operations, the WCS band is well suited to play a central role in the FCC's broadband plans. WCS spectrum is already being used for these purposes in some parts of the country. However, allowing WCS mobile devices to transmit in the bands close to satellite radio risks significant harm to our customers. The FCC recognized the likelihood that mobile WCS operations would interfere with satellite radio when it first auctioned WCS licenses and nothing has changed that conclusion.

We urge the FCC to be cautious and ensure that satellite radio is not degraded by changing the established rules for WCS operations. Sirius XM Radio has spent billions of dollars developing networks that are based on the understanding that mobile WCS devices would not interfere. Automakers have installed tens of millions of satellite radios in their vehicles with that same understanding. Unlike cell phones, automobiles are not discarded every year or two – these satellite radios will remain operational and in circulation for years to come.

Any loosening of the WCS rules must not cause interference to satellite radio consumers. Regulating to minimize interference is, of course, one of the FCC's primary statutory obligations, and we expect that the Commission will execute its role with appropriate technical diligence. Satellite radio is unique among FCC-regulated entities and requires different levels of protection from that provided to cell phones. We ask that the Commission keep in mind the following facts:

- Unlike cell phone service where momentary blips or degradation are easily overcome, satellite radio provides high-quality audio and music where drop-outs and interruptions are neither expected nor tolerated by subscribers, in large part because competing audio services typically provide error-free service.

- Satellite radio originates from space-based platforms that provide a relatively low-powered signal to receivers tens of thousands of miles away (thus necessitating receivers more susceptible to impairment from out-of- band emissions).

- Unlike mobile handheld devices, most satellite radio antennas are located on top of vehicles and are typically unshielded (thus providing less protection from sources of interference).

We urge you to give the public the opportunity to review and comment on specific rules addressing changes to the WCS rules before the Commission adopts those rules. A comment period provides transparency in the conduct of Commission proceedings and helps ensure that your actions in this matter will fully protect the millions of consumers who rely on satellite radio in their automobiles.

Sincerely,

Andrew Polsinelli
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cc: The Honorable Julius Genachowski
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Mignon Clyburn
The Honorable Meredith Attwell Baker
Mr. Julius Knapp
Mr. Blair Levin